



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Northwest Region  
7600 Sand Point Way N.E.  
BIN C15700 Bldg. 1  
Seattle, WA 98115

November 6, 1996

Mr. James E. Brown  
State Forester  
Oregon Department of Forestry  
2600 State Street  
Salem, Oregon 97310

Dear Mr. Brown:

I am writing in response to your letter of October 7, 1996, to Geoff Grubbs and Jeff Benoit about the Proposed Findings and Conditions for Oregon's Coastal Nonpoint (6217) Program. I find the substance and tone of the letter very disappointing, and would have hoped for something better, particularly in light of the constructive collaboration that we are trying so hard to build with Governor Kitzhaber and others in the State of Oregon.

I do not believe it particularly useful at this juncture to respond to your pejorative comments, and will refrain from doing so except to note my strong opposition to them.

NMFS continues to encourage a full and complete exchange of information with your Department on the outstanding forestry issues related both to the 6217 program and the Coastal Salmon Restoration Initiative (CSRI). In keeping with this, last spring we provided you with issue papers on several forestry issues precisely to ensure that your technical staff had an opportunity to review them and provide comments, recommendations, or additional data and the opportunity to correct errors if indeed there are such errors. We understood at that time that your technical staff would review the draft analyses of NMFS technical staff and respond in writing. Both staffs would then meet to work through their differences, share underlying data and other pertinent information, resolve what could be resolved and develop a clear and shared understanding of the remaining issues and a professional approach to resolving them. We remain committed to this approach, but have never received a written exposition of ODF's disagreements with our analyses. I therefore renew the suggestion.

Nor did ODF respond to our 2 July 1996 comments regarding the draft Coastal Salmon Restoration Initiative (CSRI). Those comments summarized the issues that had already been presented to you in detail in the issue papers. I believe every other state agency responded in writing to the merits of NMFS's July 2 comments, and we have had follow up meetings with other state staffs on a number of points.

Your letter suggests that any position not supported by direct monitoring data is scientifically untenable. Yet I understand that adoption of the riparian prescriptions in



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Oregon's forest practice rules relied upon just such modeling and analyses of the relationship between riparian treatment and generation of large woody debris. It is well accepted scientific practice to utilize a broad range of information including reviews of scientific literature, modeling, or other scientific analyses to analyze the efficacy of any particular set of management measures, notwithstanding the absence of site-specific monitoring data. NMFS technical staff formulate their comments based upon all of the relevant information known to them at the time and will continue to do so.

Allow me to suggest several next steps that might prove to be constructive for resolving the immediate questions surrounding the 6217 Findings and the parallel issues in the CSRI context. First, NMFS needs ODF's written response to the draft analyses of FPR issues. That will provide a basis for our staffs to meet and review the outstanding issues, share all relevant information, resolve those issues where possible or clarify misunderstandings if they indeed exist.

Second, outstanding issues should be sent to a properly structured peer review process that conforms to generally accepted norms for such reviews. NMFS technical staff should then meet with their ODF counterparts to review the comments and observations generated by the peer review and resolve as many of the outstanding issues as possible, based on that peer review.

Finally, policy representatives of the relevant agencies should meet to review any outstanding issues and explore the possibilities of resolving them at a policy level, using the best scientific information available, including that generated by the peer review.

I look forward to discussing this matter with you.

Yours,



William Stelle, Jr.  
Regional Administrator

cc: Geoff Grubbs, U.S.EPA, Washington  
Jeff Benoit, NOAA/OCRM, Silver Spring  
Fred Hansen, U.S.EPA, Washington  
Kristen Martin, U.S.EPA, Washington  
Teena Reichgott, U.S.EPA, Seattle  
Elbert Moore, U.S.EPA Region 10  
Chuck Clark, U.S.EPA Region 10  
Patty Dornbusch, NOAA/OCZRM  
Bill Imbergamo, NASF  
Paula Burgess, Governor's Office  
Jim Martin, Governor's Office  
Oregon Board of Forestry